

DOCKET NO 146800  
Serial No. 10/655,988  
Supplement to Protest to Reissue of U.S. Pat 5,405,911

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Handlin, Jr. et al.

For: Butadiene Polymers Having Terminal Functional Groups

Serial No.: 10/655,988

Application to Reissue US. Pat. 5,405,911:

Filing Date: Sept. 4, 2003

Examiner

Notice of Reissue Application Published in O.G. : December 23, 2003

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Michael B. Fein  
Michael B. Fein, Reg. 25,333

Mail Stop: Reissue  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

SUPPLEMENT TO PROTEST

This paper supplements the Protest to the above-referenced Reissue Application which was filed by the undersigned on February 23, 2004.

Submitted herewith is a Declaration of Dr. Roderic P. Quirk, a Professor of Polymer Science at the University of Akron. In his declaration Dr. Quirk states that he has reviewed the reissue applicants' claim the melt viscosity of their claims polybutadienes are unexpectedly small but in Dr. Quirk's view, "the observations of lower viscosities for the polymers in the patent relative to the allegedly analogous commercial polymers is not unexpected; in fact, it is expected based on basic principles of polymer science" which Dr. Quirk explains in his declaration.

For these reasons and the reasons set forth in the Protest filed on February 23, 2004 and the previous filed declaration of Dr. Taejun Yoo of January 19, 2004, the invention set forth in

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the reissue claims is both anticipated and obvious over prior art and well-known principals of chemistry.

Respectfully submitted

*Michael B. Fein*

Michael B. Fein, Reg. 25,333

Cozen O'Connor PC  
1900 Market St.  
Philadelphia, PA 19103  
Phone 215 665-4622  
Facsimile 215 791-2246

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I hereby certify that this paper is being served today, April 20, 2004, as follows:

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2. By facsimile to the USPTO central fax number (703 872-9306) today

Michael B. Fein  
Michael B. Fein

PTO/SB/21 (02-04)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10655,988
		Filing Date	Sept. 4, 2003
		First Named Inventor	Handlin
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	146800

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplement to Protest to Reissue of US Pat. 5,405,911 including declaration of Dr. Roderick Quirk
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael B. Fein
Signature	<i>Michael B. Fein</i>
Date	April 20, 2004

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